



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

January 31, 2011

Erika Conkling, Senior Planner
City of Renton
Department of Community and Economic Development
1055 S. Grady Way
Renton, Washington 98057

Re: U.S. Environmental Protection Agency (EPA) Region 10 Comments on the Sunset Area
Community Planned Action Draft Environmental Impact Statement (DEIS) (EPA Project
Number: 10-051-HUD)

Dear Ms. Conkling:

The EPA has reviewed the Sunset Area Community Planned Action DEIS. We are submitting comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Under our policies and procedures, we evaluate the environmental impact of the proposed action and the adequacy of the impact statement. We have assigned an Environmental Concerns - Adequate (EC-1) rating to the DEIS. A copy of the EPA rating system is enclosed.

We appreciate the City of Renton's efforts to lay the foundation for the redevelopment of Sunset Terrace into a healthy, livable, affordable, viable and green community. Your approach appears well suited to leveraging investment into an existing community and is generally consistent with the HUD-DOT-EPA Interagency Partnership for Sustainable Communities' (Partnership) six livability principles.¹ We also note your substantial NEPA analysis. The DEIS addresses all of our scoping comments.

Our EC-1 rating is based on our concern that mitigation goals are not sufficiently linked to a monitoring plan or program. Our suggested corrective measures focus on the combination of and linkages between mitigation measures and sustainability features, and, monitoring their implementation and effectiveness. The targets and decision thresholds of a monitoring plan or program are a key part of ensuring that the predicted environmental impacts are achieved and the objectives of the proposal are met. This is especially true for a project involving such a large group of diverse stakeholders with real estate and other transactions over a long period of time. In addition to our enclosed comments, which focus on mitigation and monitoring, we

¹ <http://epa.gov/dced/partnership/index.html>

recommend you review and consider the Council on Environmental Quality's recent Final Guidance on the Appropriate Use of Mitigation and Monitoring.²

We would like to thank you for this opportunity to comment and also for the time you have spent communicating directly with us and the public on the Project. The City's substantial efforts are apparent in the quality and forward thinking nature of your proposal. If you have any questions or concerns please contact Erik Peterson of my staff at (206) 553-6382 or by electronic mail at peterson.erik@epa.gov. You may contact me at (206) 553-1601.

Sincerely,



Christine B. Reichgott, Unit Manager
Environmental Review and Sediment Management Unit

Enclosures:

EPA Detailed Comments on the Sunset Area Community Planned Action Draft Environmental Impact Statement

EPA Rating System for Draft Environmental Impact Statements

EPA DETAILED COMMENTS ON THE SUNSET AREA COMMUNITY PLANNED ACTION DRAFT ENVIRONMENTAL IMPACT STATEMENT

Sustainability Features and the Environmentally Preferred Alternative

In our scoping comments we noted that the, "...environmental impacts of the project may be as much a function of planning concepts³ and design guidelines/ mitigation measures⁴ as it is a function of the intensity and density of redevelopment (number of units, square footage of office and retail and acreage of open space)." The DEIS has incorporated this concept into the analysis. For example, although the number of redeveloped properties, size of roofs and width of right of way for Sunset Boulevard all increase the most under Alternative 3, the relatively increased Low Impact Development (LID) practices (green connections, rain gardens, cisterns, etc.) sufficiently compensate (DEIS, p. 4.6-7). However, in the case of impacts to plants and animals, project design and mitigation measures (mainly LID practices) are not sufficient to compensate for Alternative 3's increased density (DEIS, p. 4.4-4). Conclusions such as the two noted above are responsive to our scoping comment that the Project's environmental impacts are influenced by the degree and also the nature of redevelopment. Now, with an overall adequate NEPA analysis, we believe the City is well suited to identify, or develop and identify the environmentally preferred alternative.

According to the Council on Environmental Quality, "The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101."⁵ As projects such as Sunset Terrace that are focused on sustainability move forward, we would note and remember that the NEPA Statute language, written more than thirty years ago, still provides valuable guidance for contemporary decision making. NEPA Section 101 states that it is the responsibility of the Federal Government, "...to use all practicable means...to the end that the Nation may --

1. fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
2. assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
3. attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
4. preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice;
5. achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
6. enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources."

³ Building height and massing, open space, topography, connections/ edges, circulation, land use.

⁴ Opportunities for infrastructure, energy and transportation needs with respect to greatest possible efficiency

⁵ <http://ceq.hss.doe.gov/nepa/regs/40/1-10.HTM#6>

EPA believes the environmentally preferred alternative (the alternative that promotes the national environmental policy) for this project is likely the alternative which incorporates the maximum extent of implementable features consistent with the current state of science regarding quality urban design, sustainable urban redevelopment, and livability principles⁶. We refer to these features as “sustainability features”. Within the DEIS, sustainability features are both elements of the action alternatives and mitigation measures. Below, we list the sustainability features found within and outside of the DEIS, which we believe may be especially consistent with an environmentally preferred alternative.

The maximum extent of sustainability features for this project (not necessarily the maximum extent of potentially implementable sustainability features) likely includes (i) all applicable federal, state, and local regulations and commitments; (ii) all or most of the features common to both alternatives 2 and 3 as well as all of the mitigation measures already committed to in DEIS section 1.6; (iii) many of the elements limited to Alternative 3 and some of the elements limited to Alternative 2; (iv) numerous potential mitigation measures described throughout the DEIS; and, (v) some potential sustainability features not addressed within the DEIS. We assume that all of the regulatory commitments and features relating to points (i) and (ii) will be carried through the Record of Decision. Our perspective on points (iii), (iv) and (v) are described below.

With regard to features limited to alternatives 2 or 3 (point (iii)), we recommend the following be carried forward - or seriously considered - as elements of a potential environmentally preferred alternative or as elements common to all alternatives.

- pedestrian supportive signals
- narrow lanes to reduce crossing distances
- realign skewed intersections and reduce crosswalk distances
- widen sidewalks to meet complete streets minimums (8 ft sidewalks and 8 ft. landscape strips)
- plant new street trees in landscape strip along corridor
- use special paving within intersections
- special concrete bus pad in roadway at transit stops
- new local transit service connecting across SR900 to Community Center/Library
- require green stormwater infrastructure including non-infiltrating practices
- green parking lot standards
- rainwater harvesting
- bioretention planters with detention
- pursuit of the family village concept

With regard to potential mitigation measures described throughout the DEIS (point (iv)), we recommend the following be carried forward - or seriously considered - as elements of a potential environmentally preferred alternative or as elements common to all alternatives.

⁶ <http://www.epa.gov/smartgrowth/partnership/#livabilityprinciples>

- From section 1.6 and elsewhere in the DEIS
 - pursue maximum implementation of Breathe Easy Homes⁷ air quality features, including, but not limited to:
 - use of low VOC building materials and coatings
 - pursue enhanced building ventilation and room air filtration
 - install dust-free floor materials and low-pile carpeting to reduce dust build-up
 - require future developers to pursue a specific energy conservation approach/ standard(s) (E.g., Northwest ENERGY STAR Homes, American Society of Heating, Refrigerating and Air Conditioning Engineers Advanced Buildings Core Performance Guide, Architecture 2030)
 - require adequate noise mitigation to ensure compliance with the City's noise ordinance
 - establish a local preference for rental assistance
 - plan for public seating, art in public spaces, and, secure bicycle storage
 - develop and commit to a plan to address recreation facility level of service deficiencies
 - develop new affordable housing prior to demolishing Sunset Terrace public housing
- From Table 4.2-8. Potential Greenhouse Gas Reduction Measures.
 - incorporate on-site renewable energy production
 - energy efficient street lighting
 - green roofs, high/albedo roofing
 - eliminate or reduce use of refrigerants in HVAC systems
 - use water conserving fixtures that surpass building code requirements
 - encourage or require water reuse
 - recycle and use recycled demolition and construction materials
 - use local building materials
 - size parking capacity to not exceed local parking requirements and, where possible, seek reductions in parking supply through special permits or waivers
 - encourage or require bicycle storage and showers/ changing rooms

With regard to sustainability features not listed in the DEIS (point (v)), we recommend the following be seriously considered as elements of a potential environmentally preferred alternative or as elements common to all alternatives.

- Additional construction emission control measures from EPA's compilation of language used in contracts, codes, laws, rules and other measures for addressing air quality issues, particularly diesel emissions, from construction equipment and other diesel sources.⁸ The Northeast Diesel Collaborative Diesel Emission Controls in Construction Projects - Model Contract Specification may be particularly useful.⁹

⁷ <http://seattlehousing.org/redevelopment/high-point/breathe-easy/>

⁸ <http://www.epa.gov/otaq/diesel/construction/contract-lang.htm>

⁹ <http://www.epa.gov/otaq/diesel/construction/documents/cl-nedc-model.pdf>

- Mid-block connection requirement to facilitate informal pedestrian connections (do not develop super blocks).
- Development of a Transportation Management District to fund parking and to manage mobility programs required on the site.
- Size community gardens according to criteria adopted by the City of Vancouver, B.C. Their guidelines state that 30% of the housing units should have access to garden plots that are a minimum of 3' by 8'.¹⁰

Recommendation:

While we believe the features listed above are especially consistent with NEPA Section 101, we recognize that implementing certain features may involve trade-offs. To address trade-offs, optimize funding strategies, and, maximize the extent of environmental benefits, we recommend that the City of Renton develop, utilize, describe and disclose in the FEIS, the results of a systematic analytical process to determine the maximum combination of implementable sustainability features. The results of this analysis should inform the identification of the environmentally preferable alternative. The results may also help to identify specific monitoring thresholds (see "Monitoring" below). The Seattle Housing Authority's Yesler Terrace Sustainable District Study may be a useful example.

Monitoring

In our scoping comments we stated,

"...monitoring associated with the overall redevelopment effort is an opportunity to both learn about and learn from livability measures and tools. Efforts to benchmark existing conditions; develop tools to measure progress towards achieving community visions; and, increase the accountability of engaging in sustainable redevelopment may help to (i) move the national dialogue on livability measures forward, and, (ii) effectively measure the performance of your efforts."

DEIS Appendix C Section 4 A and B address our comment by noting that monitoring will occur and that, based on this monitoring, the City may propose amendments to the Planned Action Ordinance and/or may supplement or revise the Planned Action EIS. In order to best facilitate this monitoring and adaptive management we believe the FEIS should include additional clarifying information for both mitigation (see above) and monitoring (see recommendations below).

Recommendation:

- We recommend that mitigation measures and sustainability features be specific and quantitative wherever possible, e.g., "PM Peak Hour Trips". Phrases such as "encourage" and/or "could" should be minimized in favor of specific targets and decision thresholds.

¹⁰ Source: Yesler Terrace Sustainable District Study - http://www.seattlehousing.org/redevelopment/pdf/YT_Sustainable_District_Study.pdf

- We recommend the Planned Action Ordinance's Exhibit B contain sufficient information to serve as a stand-alone document. References to the FEIS and ROD should be limited to where additional explanation is needed, specific targets and decision thresholds should be represented directly within Exhibit B.
- We recommend the FEIS incorporate and differentiate between implementation and effectiveness monitoring.

For example, for greenhouse gas emissions, concurrence with the "trip bank" would be implementation monitoring and effectiveness monitoring would be establishing whether or not the selected alternative's predicted GHG reduction occurred ("...a net reduction of 4,164 metric tons/year. (DEIS, p. 1-10)).

For stormwater, the development (or implementation) of a drainage master plan would be implementation monitoring and effectiveness monitoring could be establishing whether or not estimated reductions in pollution-generating impervious area within the Planned Action Study Area occurred (40.5 acres for alternatives 2 and 3). Environmental performance type effectiveness monitoring could entail runoff volume/ flow measurements, basin cleanout measurements and/or chemical analyses.

Predicted impacts – such as the GHG and impervious surface reductions referenced above - are disclosed throughout the DEIS and could inform mitigation targets/ effectiveness monitoring thresholds. Other opportunities for mitigation targets/ effectiveness monitoring thresholds could be informed by third party certifications – such as, Greenroads and LEED ND.

All implementation and effectiveness monitoring should be designed to facilitate adaptive management. Section 4 (B) of the Draft Planned Action Ordinance (DEIS, Appendix C) both requires adaptive management and provides a timeframe.

"This Planned Action Ordinance shall be reviewed no later than five years from its effective date by the Environmental Review Committee to determine the continuing relevance of its assumptions and findings with respect to environmental conditions in the Planned Action area, the impacts of development, and required mitigation measures. Based upon this review, the City may propose amendments to this ordinance and/or may supplement or revise the Planned Action EIS." (DEIS, Volume II, Appendix C, p. 8)

Facilitating the usefulness of Section 4 (B), as well as Exhibit (B) (See mitigation comments), should be a primary focus of FEIS revisions and additions.

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987